

## Message Text

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ACTION HA-02

INFO OCT-01 SS-14 ISO-00 IO-06 EA-06 NSC-05 INR-05  
CIAE-00 SP-02 PM-03 /044 W  
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P 200406Z MAY 78  
FM AMEMBASSY KUALA LUMPUR  
TO SECSTATE WASHDC PRIORITY 4312

CONFIDENTIAL KUALA LUMPUR 4392

LIMDIS

E. O. 11652: GDS  
TAGS: EPER, SREF, SHUM, PINT, MY, US  
SUBJ: HUMAN RIGHTS AND REFUGEES

REF: A) STATE 125951 (NOTAL), B) STATE 125638 (NOTAL),  
C) KUALA LUMPUR 4223 (NOTAL)

1. IN ADDITION TO DISCUSSION OF HUMAN RIGHTS AND  
REFUGEES IN HIS MEETING WITH THE PRIME MINISTER  
MAY 19, IN ACCORD WITH GUIDANCE PROVIDED REF B,  
(BEING REPORTED SEPTEL), AMBASSADOR USED OCCASION  
OF SEPARATE MAY 19 CALL TO MAKE SIMILAR POINTS  
WITH FOREIGN MINISTER RITHAUDDEEN. THE AMBASSADOR  
HIGHLIGHTED THE SPECIAL FOCUS IN THE VICE PRESIDENT'S  
MAY 10 HONOLULU SPEECH ON THE IMPORTANCE WE ATTACH  
TO BOTH REFUGEES AND HUMAN RIGHTS. HE ASSURED THE  
FOREIGN MINISTER THAT MALAYSIA WOULD "GET ITS  
FAIR SHARE" F THE NEW REFUGEE PROGRAM ONCE IT IS  
IMPLEMENTED. THE FOREIGN MINISTER COMMENTED THAT HE  
HOPED THAT WOULD BE THE CASE SINCE HE ASSUMED THE  
COUNTRY ALLOCATION FROM THE OVERALL PROGRAM QUOTA  
WOULD BE ADMINISTERED "FLEXIBLY" AND TAKE INTO  
ACCOUNT MALAYSIA'S SIZEABLE INDOCHINESE REFUGEE  
BURDEN.

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2. THE AMBASSADOR ALSO RAISED THE SUBJECT OF  
SEVERAL QUERIES WE HAVE RECEIVED ON BEHALF OF  
MALAYSIAN DETAINEES. HE NOTED THAT ALTHOUGH WE  
RECOGNIZE THIS IS A SENSITIVE SUBJECT, WE WOULD  
HOPE TO GET FROM THE GOM FACTUAL INFORMATION  
ABOUT THESE CASES, INCLUDING THE CHARGES AGAINST

THE INDIVIDUALS AND THE CONDITIONS OF THEIR DETENTION, TO ENABLE US TO RESPOND KNOWLEDGEABLY TO CONGRESSIONAL AND OTHER INQUIRIES. THE AMBASSADOR RECALLED THE PRIME MINISTER'S CONVERSATIONS WITH THE PRESIDENT AND VICE PRESIDENT DURING HIS VISIT TO WASHINGTON LAST SEPTEMBER AND THE COMMENTS AT THAT TIME ON MALAYSIA'S VERY GOOD HUMAN RIGHTS RECORD. IN THIS CONTEXT WE HOPE THE MALAYSIAN GOVERNMENT WILL BE FORTHCOMING IN SUPPLYING DATA THAT WE CAN USE FOR FACTUAL REPLIES TO SUCH INQUIRIES, HE ADDED.

3. TENGKU RITHAUDDEEN DEFENDED THE INTERNAL SECURITY ACT (ISA), WHICH PROVIDES FOR DETENTION WITHOUT TRIAL OF PERSONS DEEMED TO POSE THREATS TO NATIONAL SECURITY, DESCRIBING IT AS "THE INSTRUMENT OF NATIONAL TRANQUILITY AND PROGRESS." HE NOTED THAT THE ISA PROVIDES FOR REVIEW EVERY SIX MONTHS BY AN INDEPENDENT REVIEW PANEL HEADED BY A JUDGE, EX-JUDGE, OR OTHER EMINENT LEGAL EXPERT. EVEN WHEN AN INDIVIDUAL IS DETAINED HE IS GIVEN WHAT IN EFFECT IS A LIST OF CHARGES AGAINST HIM AND CAN RETAIN A LAWYER FOR WHAT AMOUNTS TO QUASI-JUDICIAL INQUIRY AND REVIEW OF THE CASE. A PERSON CAN ONLY CONTINUE TO BE DETAINED WHEN A CLEAR REASON, E.G., THREAT TO CONFIDENTIAL

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NATIONAL SECURITY, EXISTS.

4. HAVING SAID THE FOREGOING, THE FOREIGN MINISTER ACKNOWLEDGED THE VALIDITY OF THE AMBASSADOR'S POINT REGARDING THE IMPORTANCE OF HAVING FACTUAL DATA TO RESPOND TO QUERIES. RITHAUDDEEN ALLUDED TO THE NECESSITY FOR "GOOD COMMUNICATIONS" IN ORDER TO MINIMIZE MISUNDERSTANDINGS AND POTENTIAL DISTORTION OF THE FACTS, AND SAID THAT HE WOULD CHECK INTO THIS FURTHER AND "WOULD TRY TO SORT OUT THE SPECIFIC DETAILS" ON CASES WE HAVE INQUIRED ABOUT ( SEE KUALA LUMPUR 2232).  
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## Message Attributes

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